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Maybe He Shouldn't Have Spoken His Mind

T. Hayden Barnes opposed his university's plan to build two large parking garages with \$30 million from students' mandatory fees. So last spring, he did what any student activist would do: He posted fliers criticizing the plan, wrote mass e-mails to students, sent letters to administrators and wrote a letter to the editor of the campus newspaper. While that kind of campaign might be enough to annoy university officials, Barnes never thought it would get him expelled.

Rather than ignore him or set up a meeting with concerned students, Valdosta State University, in Georgia, informed Barnes, then a sophomore, that he had been "administratively withdrawn" effective May 7, 2007. In a letter apparently slipped under his dorm room door, Ronald Zaccari, the university's president, wrote that he "present[ed] a clear and present danger to this campus" and referred to the "attached threatening document," a printout of an image from an album on Barnes's Facebook profile. The collage featured a picture of a parking garage, a photo of Zaccari, a bulldozer, the words "No Blood for Oil" and the title "S.A.V.E.-Zaccari Memorial Parking Garage," a reference to a campus environmental group and Barnes's contention that the president sought to make the structures part of his legacy at the university.

The letter also said that in order to return as a student, a non-university psychiatrist would have to certify that Barnes was not a threat to himself or anyone else, and that he would receive "on-going therapy." After he appealed, with endorsements from a psychiatrist and a professor, the Georgia Board of Regents "didn't do the right thing and reverse the expulsion," said William Creeley, a senior program officer at the Foundation for Individual Rights in Education, a nonprofit organization that defends students' free expression rights and helped Barnes secure legal counsel.

"Sometimes there will come along a set of facts where you read it and you think, they couldn't possibly have done this," said Robert Corn-Revere, Barnes's attorney and an adjunct scholar at the libertarian Cato Institute. "Then you look at it [and realize that] yes, they did."

Corn-Revere wrote to the University System of Georgia and was told only that the institution couldn't discuss the case because of federal privacy law. (Creeley said public universities often "hide behind FERPA," even

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though in this case Barnes had provided a waiver to his rights under the law, whose name stands for the Family Educational Rights and Privacy Act.) [On Wednesday, he filed suit](#) against the university in federal court, Zaccari and the Board of Regents under the First and Fourteenth Amendments.

The university released a statement to the press: “As this is a pending legal matter, we are not at liberty to discuss the particulars of this issue at this time.”

In a reply to Barnes’s complaint to the university, the Board of Regents said Barnes had contacted system-wide administrators and board members, “telling them that he had met with President Zaccari on this issue, when he had not.” It also referenced the April 16 Virginia Tech massacre, which occurred around the time of the dispute between Barnes and the university.

As additional evidence of the threat posed by Barnes, the document referred to a link he posted to his Facebook profile whose accompanying graphic read: “Shoot it. Upload it. Get famous. Project Spotlight is searching for the next big thing. Are you it?” It doesn’t mention that [Project Spotlight](#) was an online digital video contest and that “shoot” in that context meant “record.” The appeal also mentions that Barnes’s profile stated, at one point, that he was “cleaning out and rearranging his room and thus, his mind, or so he hopes.” That was likely a status update, commonly used by Facebook members to update their friends on what they’re doing at a particular moment — whether literally or metaphorically.

After Zaccari saw a printout of Barnes’s Facebook page, he was subsequently “accompanied to high-profile events by plain-clothed police officers, and uniformed police officers were placed on high alert,” according to the document. The president has since announced his retirement, six months earlier than expected.

Creeley suggested that Zaccari is using Virginia Tech as a pretext for violating Barnes’s rights as a student at a public university and said his behavior was either “dazzlingly paranoid” or “disingenuous.”

“Knowing that Barnes had availed himself of counseling services made available to all students by VSU, Zaccari secretly and repeatedly met with Barnes’s counselor seeking to justify his decision to expel him,” the lawsuit states. “What he learned from both the campus counseling center and from Barnes’s private psychiatrist who was consulted in the matter, however, was that Barnes had never exhibited any violent tendencies and that he did not represent any danger either to himself or to others. Quite to the contrary, despite a background in which he had been forced to cope with some difficult family issues from an early age, Barnes had developed into an engaged student, was a licensed and decorated emergency medical technician, and was politically aware and involved.”

[FIRE is simultaneously pressuring Valdosta State](#) to reverse its [“free speech area”](#) policy, which is unusually rigid in restricting student expression to a single stage on the 168-acre campus, only between the hours of 12 and 1 p.m. and 5 and 6 p.m., with prior registration.

“Treating students as though they are caged animals is pretty reprehensible,” Creeley said.

— [Andy Guess](#)

Comments

Memorial?!?!

The phrase “Memorial Parking Garage” would have made me extremely nervous if it had been my name connected to it. Perhaps this young man was off balance not just a student concerned with the physical appearance of his campus and the environmental impact of new buildings. If VT had attempted to remove the killer when he was just a troubled student would we have had the same stories of lawsuits and how dare they attitude.

Wesley, at 8:00 am EST on January 11, 2008

Sorry Wesley, but you too are obviously one of the hyperparanoid intelligensia currently running around on college campuses. It is very easy to see evil intent in anyone, particularly someone who you know has been under the care of a counselor. I am sick to death (yes death...don't start calling the cops because I used that word) of people who cannot review anything IN context. I hope this kid wins and wins big. Not that administrators will learn a lesson, but Valdosta might.

HRGuy, No offense?, at 8:35 am EST on January 11, 2008

I agree, Wesley. From just the facts published here- and let's never forget that there may be MORE facts than we know- it seems as if the University may have gone overboard. But if an institution fails to act, and fails to try to get students evaluations and help, and something happens, then IHE and other publications simply switch their headlines to "Officials Took No Action, Could Have Prevented Tragedy."

Jennifer, at 8:40 am EST on January 11, 2008

Wesley

Many people are "memorialized" in life. I doubt if Donald Trump should be worried because the towers are named for him. It seems a great stretch, and eerily convenient, for this president to label this student in essence an "enemy combatant" in order to remove his voice.

Bob, at 8:45 am EST on January 11, 2008

Get Larry on the phone

A friend is a campus counselor, and the VT tragedy has everyone on edge.

However, one wonders, if instead of dealing with the mundane (e.g., dreaming up new regulations to avoid dealing real problems), why the college just didn't send an administrator and security officer to talk to the student, face-to-face? And do an on-site assessment?

When there are few authentic standards and expectations — anything and everything can happen.

L.L., at 8:56 am EST on January 11, 2008

Clear and Present Danger to Participatory Democracy

This story is a perfect example of how post-Virginia Tech (and, for that matter, post-911) fear is eroding citizens' supposedly constitutionally protected rights. Most universities' missions include helping students to play more active roles in a participatory democracy, to speak out, to protest inequities and injustices and just plain dumb ideas. Now we're using (rare) campus tragedies to rid our colleges and universities of students who play those roles, on the pretext that they present a "clear and present danger" to others. We've seen the results of this paranoia before; when enough students protest something collectively, we can always bring in the National Guard and gun them down (justified, at least in Kent, Ohio, by the assumption that they presented a "clear and present danger"). What's next, new university offices for "the surveillance of student discourse and the preemptive removal of dissenters?"

George, at 9:04 am EST on January 11, 2008

Warning! University Controlled Counseling Center

Just as in the nations which US educators used to despise — fear is used in this situation to justify the prohibition of free speech — not just free speech, but the kind of participatory democratic action I would have thought US universities would most want to train their students to conduct.

And, if, in the midst of post-VT paranoia (as seen in Wesley's comment) there was confusion, L.L.'s suggestion of a conversation would have met many "reasonableness" tests if the goal had been campus safety and not the elimination of dissent.

But if this — "Zaccari secretly and repeatedly met with Barnes's counselor seeking to justify his decision to expel him" — is true, it represents the most disturbing part of this tale — and goes back to our conversations after the VT tragedy. <http://www.insidehighered.com/views/2007/04/20/socol> Once again a university counseling service may have failed in its most important professional obligation. Many commenters insisted (back then) that the kinds of breaches of confidentiality I described could not happen, and that my warnings to students about these facilities were just wrong. But here again (if true) we see an essential problem with campus mental health service.

[Ira Socol](#), Michigan State University, at 9:30 am EST on January 11, 2008

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